

### **REMARKS**

Claim 1 is the only claim pending the present application.

Applicants express their gratitude for courtesies extended by the Examiner during a personal interview conducted with Applicants' representatives Andrew M. Parial and Kenneth I. Kohn, October 4, 2004. During the personal interview, a proposed amendment was discussed in view of the outstanding rejections. According to the outcome of the interview, the proposed amended claim would overcome the outstanding rejections; however, a new search on the amended claim would be conducted.

Specifically referring to the Office Action, the oath or declaration has been found to be defective. More specifically, the Examiner holds that the oath or declaration is defective because of non-initialed or non-dated alterations made to the oath or declaration. In response thereto and pursuant to the Examiner's suggestion, enclosed herewith is an Application Data Sheet setting forth the correct information regarding the declaration.

According to the Office Action, nucleotide sequences present in Figures 2 and 3 have not been identified by SEQ ID NO. identifiers. In response thereto, the specification has been amended by identifying the new SEQ ID NOS. (53 and 54) set forth in Figures 2 and 3. A substitute sequence listing is submitted herewith in both computer readable form and a paper copy. Additionally, a statement under 37 CFR § 1.825 is included herewith. Further, no new matter has been included in the substitute sequence listing. Please enter the sequence listing into the specification and amend the specification as indicated herein.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,177,014 to O'Connor, et al. (hereinafter, "the '014 patent"). According to the Office Action, the '014 patent discloses isolated monoclonal antibodies that specifically bind to various FIV proteins. Claim 1 has also been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,387,765 to Anderson, et al. (hereinafter, "the '765 patent"). According to the Office Action, the '765 patent discloses production and isolation of monoclonal antibodies that specifically bind to FIV proteins.

In response to the outstanding rejections under 35 U.S.C. § 102, claim 1 has been amended to specifically claim an isolated antibody that specifically binds to a specific FIV peptide. The FIV peptide is encoded by a nucleotide sequence as set forth in SEQ ID NO: 1 from nt 1 to nt 9464. Support for this limitation is set forth on lines 25-30 of page 4 and lines 5-16 of page 10 of the specification. The '765 patent discloses different isolated monoclonal antibodies, while the '014 patent discloses a monoclonal antibody specific for an epitope for an FIV-encoded antigen. Neither the '765 patent or the '714 patent disclose an isolated antibody as set forth in claim 1. Therefore, the presently claimed invention is patentable over the cited prior art references.

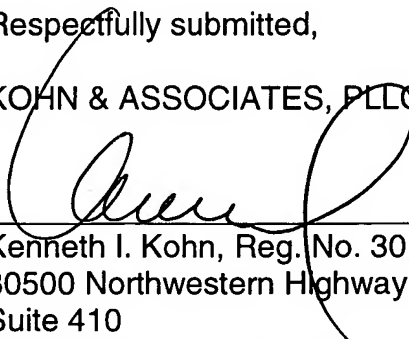
In summary, the presently claimed invention is now in condition for allowance, which allowance is respectfully requested.

If any remaining issues exist, Applicants respectfully request to be contacted by telephone at 248.539.5050.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

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Marie M. Lally